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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,833	10/20/2003	Harry J. Collins	CON40 348 DIV2	2010
39290	7590	08/28/2007		
DUANE MORRIS LLP 1667 K. STREET, N.W. SUITE 700 WASHINGTON, DC 20006-1608			EXAMINER CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			08/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/687,833

Applicant(s)

COLLINS, HARRY J.

Examiner

Chapman E. Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. ~~This action is not final.~~
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 68-81 is/are pending in the application.  
4a) Of the above claim(s) 74-76 and 78-80 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 69-73 is/are allowed.
- 6) ☒ Claim(s) 68 and 77, 81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some \* c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: patent copy with annotations.

The finality of the office action mailed 10/2/06 has been withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 68 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by Kozloff (6009681). Kozloff discloses a bracket 28 **capable of** securing a truss to a base having a planar surface. The bracket 28 provides resistance to uplifting forces exerted on the truss surface. The bracket comprises: (see annotations on patent copy)

- A pair of substantially perpendicular attachment faces interconnected with
- A pair of substantially perpendicular chord engaging faces 66/70
- One of the attachment faces is **capable of** overlying a vertical web attachment faces of a truss chord 24 for attachment thereto
- The other attachment face being adapted to, **or is capable of** overlying the planar upper surface of the base 22; see annotations on patent copy to see the planar upper surface of the base

The last 3 lines of claim 68 and the last 4 lines of claim 77 merely recite intended uses and this functional language which does not further limit the structure of a claim directed to an article.

Claims 68, 77 and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Honigman (4910932).

Honigman discloses a bracket 72 capable of securing a truss to a base having a planar upper surface providing resisting forces to uplifting forces. Applicant has not positively claimed the truss or the combination truss and bracket. The bracket of Honigman is capable of functioning in the environment suggested. In the absence of a positive recitation of the truss, it is only necessary to show the bracket with the recited limitations capable of performing the recited functions. The bracket comprises:

- A first attachment face including an interior edge
- A second attachment face perpendicular to the first face and also including a second interior face
- A first chord engaging face extending perpendicular from the first interior edge attachment faces
- A second chord engaging face extending perpendicular from the second interior edge and intersecting the first chord engaging face
- The first and second chord faces form a recess capable of receiving lateral and outer faces of the truss chord member.
- A pair of chord engaging faces

Art Unit: 3635

- one of the attachment faces overlies a vertical attachment face 36 for attachment thereto
- the other attachment face overlies planar upper surface of a base 18 for attachment thereto
- the perpendicular attachment faces are interconnected by a pair of perpendicular chord engaging faces

Claims 69-73 are allowable over the prior art of record.

### ***Response to Arguments***

Applicant's arguments with respect to claims 68-80 have been considered but are moot in view of the new ground(s) of rejection. Regarding arguments against the restriction of certain claims: Newly submitted claims 74-76 and 78-80 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: a.) method claims 74-76 and 80 are not needed for the article claims; the securing and engaging step are not needed to complete the finished article of the product; b.) the truss system including the wall is not needed for the article of the product to exist and be joined to some other structural elements

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 74-76 and 78-80 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEANETTE E. CHAPMAN  
PRIMARY EXAMINER  
ART UNIT 3635

# PATENT COPY W/ANNOTATIONS

U.S. Patent

Mar. 27, 1990

Sheet 3 of 6

4,910,932

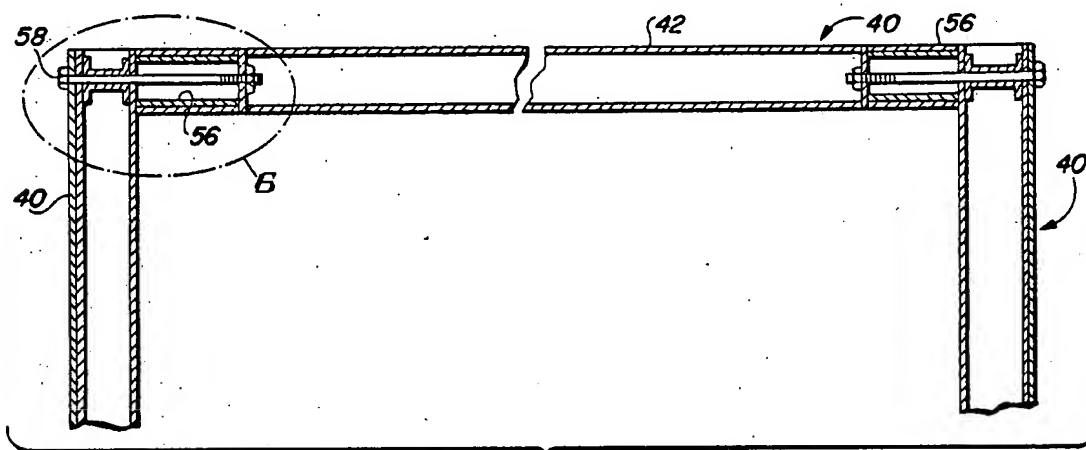
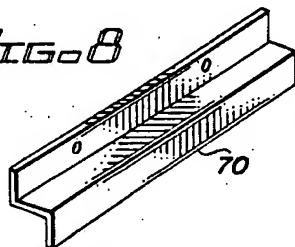


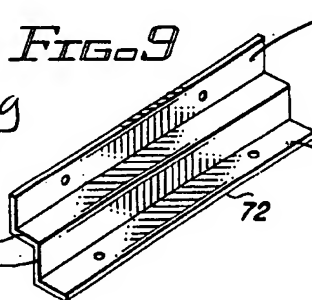
FIG. 5

FIG. 8



1st/2nd  
perpendicular  
chord engaging  
faces

FIG. 9



1st  
attachment  
face

2nd  
attachment  
face

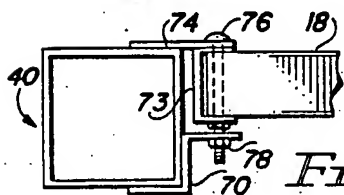


FIG. 10A

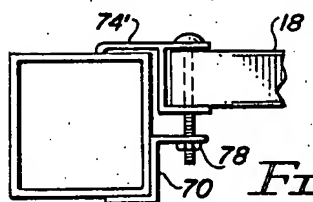


FIG. 10B

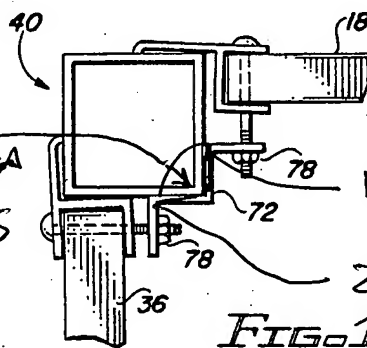


FIG. 11

1st interior  
edge

2nd interior  
edge

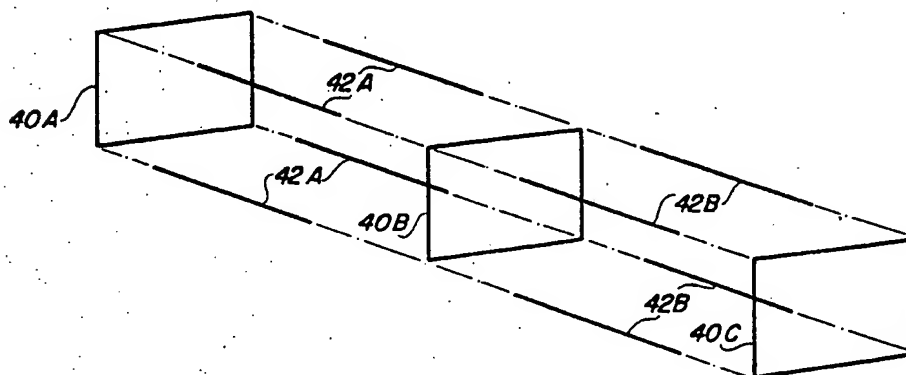


FIG. 12

PATENT COPY W/ANNOTATIONS